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11 Attorneys for Plaintiff
12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 v.
20 NATHANIEL OPONDO HUBBERT,
21 Defendant.

22 CASE NO. 2:20-CR-00123-JAM-2
23 STIPULATION REGARDING EXCLUDABLE
24 TIME PERIODS UNDER SPEEDY TRIAL ACT;
25 FINDINGS AND ORDER
26 DATE: March 23, 2021
27 TIME: 9:30 a.m.
28 COURT: Hon. John A. Mendez

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30 STIPULATION

31 1. By previous order, this matter was set for a status conference on March 23, 2021.

32 2. By this stipulation, Counsel for Mr. Hubbert now moves to continue the status conference
33 until June 8, 2021, and to exclude time between March 23, 2021, and June 8, 2021, under Local Code
34 T4.

35 3. The parties agree and stipulate, and request that the Court find the following:

36 a) The government has represented that the discovery associated with this case
37 includes over eight gigabytes of evidence in electronic form, including police reports, pictures,
38 multiple hours of video footage, laboratory reports, search warrants, a forensic cellular phone
39 report, and criminal history documents. All of this discovery has been either produced directly
40 to counsel and/or made available for inspection and copying.

41 b) Counsel for Mr. Hubbert desires additional time to gather additional criminal

1 history documents, consult with her client, review the existing discovery, conduct further review
2 of her client's criminal history, discuss potential resolutions with her client, and otherwise
3 prepare for trial.

4 c) Counsel for Mr. Hubbert believes that failure to grant the above-requested
5 continuance would deny her the reasonable time necessary for effective preparation, taking into
6 account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of March 23, 2021 to June 8, 2021,
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
14 because it results from a continuance granted by the Court at defendant's request on the basis of
15 the Court's finding that the ends of justice served by taking such action outweigh the best interest
16 of the public and the defendant in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

5 Dated: March 18, 2021

PHILLIP A. TALBERT
Acting United States Attorney

7 _____
8 /s/ ADRIAN T. KINSELLA
9 ADRIAN T. KINSELLA
10 Assistant United States Attorney

11 Dated: March 18, 2021

12 _____
13 /s/ KRESTA DALY
14 KRESTA DALY
15 Counsel for Defendant
16 NATHANIEL OPONDO HUBBERT

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 18th day of March, 2021.

17 _____
18 /s/ John A. Mendez
19 THE HONORABLE JOHN A. MENDEZ
20 UNITED STATES DISTRICT JUDGE